

States to eliminate their rape kit backlogs. The bill also ensures that private laboratories can assist in processing rape kits. These measures will ensure that thousands of women in the United States will finally have closure.

I urge my colleagues to support this important legislation.

Mr. CONYERS. Mr. Speaker, I want to thank Chairman SENSENBRENNER, Representative DELAHUNT and Members on both sides of the aisle for their hard work in developing this bipartisan, bicameral compromise. H.R. 3214 takes the first of hopefully many steps toward improving the integrity of our criminal justice system.

First and foremost, the bill provides Federal inmates with access to DNA testing, thereby enabling them to establish their innocence after being subjected to a wrongful conviction. As many of you know, over the past few years, more than 110 innocent Americans have already been exonerated thanks to post-conviction DNA testing. This provision will ensure that others wrongfully convicted will also have an equal chance at obtaining justice.

Second, the bill authorizes grants to be awarded to States with the express purpose of improving the quality of legal representation afforded indigent defendants in capital cases. Experts have indicated that many of the most egregious cases in which an innocent person was wrongfully convicted involved attorneys who were incompetent, ill-trained, or simply ineffective. These grants will dramatically alter this situation by providing defendants with defense counsel that meet a minimum standard of competency.

Finally, the bill contains a provision—not often mentioned—but of extreme importance to those that have been subjected to a wrongful conviction. I'm speaking of the provision in the bill that increases the maximum amount of damages an individual may be awarded for being wrongfully imprisoned from \$5,000 to \$50,000 per year in noncapital cases and up to \$100,000 per year in capital cases.

Having pointed out the many virtues of the bill, I must admit this bill remains far from perfect. I would prefer the legislation include an outright ban on the use of the Federal death penalty. I also think the bill would have been considerably better if it addressed some of the many factors that contribute to the unacceptably high rate of wrongful convictions, including eyewitness error, perjury, false confessions, and police torture.

Nevertheless, I strongly support the delicate compromise that has been reached today. And, I urge my colleagues to support this worthwhile initiative.

Mr. COBLE. Mr. Speaker, very seldom do we find a law enforcement tool that benefits everyone involved in the criminal justice system equally. DNA is this tool. Prosecutors, defendants and victims all benefit from the fact that DNA provides an unquestionable evidence of guilt and innocence. Forensic DNA technology is the future of investigations and Congress must ensure that the criminal justice system has the necessary resources so that this technology can keep pace with the future demands an eliminate any backlog that may slow its progress.

The bill before us would ensure just that. The "Advancing Justice Through DNA Technology Act," would provide grants to improve the administration of justice by eliminating the DNA backlog, testing rape kits, improving fo-

rensic science and DNA labs in states, and providing training for law enforcement, prosecutors, medical personnel in DNA analysis.

There is no question that the current federal and state DNA collection and analysis system needs improvement. In many instances, public crime labs are overwhelmed by backlogs of unanalyzed DNA samples. In addition, these labs may be ill-equipped to handle the increasing influx of DNA samples and evidence. More research is needed to develop faster methods for analyzing DNA evidence and professionals involved in the criminal justice system need additional training and assistance to solve crimes.

The bill would also provide grants to states to improve the quality of legal representation for both indigent defendants and the public in capital cases. As my Chairman stated earlier, it is important to note that these grants may not be used for representation in a particular case or to fund political advocacy. This prohibition will prevent such dollars from being used to promote an anti-death penalty agenda.

The bill would also allow funding to process post conviction DNA test if certain criteria are met.

It is important to clarify that the bill allows DNA testing of evidence only when an applicant can show that it is consistent with a theory of defense, that testing would produce new material evidence to support the theory of defense, and assuming it excluded the defendant, would raise a reasonable probability that the applicant did not commit the offense.

Further, a judge would only be authorized to grant a new trial after considering potentially exculpatory DNA evidence in conjunction with all other evidence in the case.

Finally, a defendant could only apply for post conviction testing if the specific evidence to be tested was not previously subjected to DNA testing or new technology in testing has been developed and the defendant did not voluntarily waive his right to have the evidence tested. Again, it is important to note, a judge would still have to have to consider all evidence in the case.

I believe that the Innocence Protection Act provisions in the bill are necessary to both protect the rights of those wrongfully convicted and to preserve the integrity of the death penalty. As a proponent of capital punishment in appropriate cases, I also believe that individuals convicted of a crime and subsequently sentenced to death by a jury of their peers should have fair access to competent legal advice and due process under the law.

It is my opinion that as technology improves and new tools are available to investigate crimes and prosecute criminals, we must grow our justice system to accommodate such tools to preserve equal justice for all.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3214, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHADEGG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REAUTHORIZING THE BAN ON UNDETECTABLE FIREARMS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3348) to reauthorize the ban on undetectable firearms, as amended.

The Clerk read as follows:

H.R. 3348

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REAUTHORIZATION OF THE BAN ON UNDETECTABLE FIREARMS.

Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended—

(1) by striking "15" and inserting "25";

(2) in subparagraph (B)—

(A) by striking "and (h)" and inserting "through (o)"; and

(B) by striking "and (g)" and inserting "through (n)"; and

(3) by striking subparagraphs (D) and (E) and inserting the following:

"(D) section 924(a)(1) of such title is amended by striking 'this subsection, subsection (b), (c), or (f) of this section, or in section 929' and inserting 'this chapter'; and

"(E) section 925(a) of such title is amended—

"(i) in paragraph (1), by striking 'and provisions relating to firearms subject to the prohibitions of section 922(p)'; and

"(ii) in paragraph (2), by striking ', except for provisions relating to firearms subject to the prohibitions of section 922(p)'; and

"(iii) in each of paragraphs (3) and (4), by striking 'except for provisions relating to firearms subject to the prohibitions of section 922(p)';."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3348, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the last few years, we have had to make a lot of adjustments in security for our Nation's airports, government buildings, and ports. We have recognized that this heightened security is necessary to protect the United States from terrorist threats. However, even before the events of September 11, 2001, Members of Congress

recognized the possibility of threats from terrorists, both from within and without our borders.

In 1988, Congress passed a ban on undetectable firearms to prevent the manufacture, sale, importation, shipping, possession, transfer, or receipt of firearms that could not be detected by metal detectors or x-ray machines. Since passengers are not permitted to bring firearms on to planes and individuals cannot bring firearms into government buildings, it only makes sense that we ensure that the firearms purchased in this country are detectable by the security machines in those places.

The Undetectable Firearms Act of 1988 provided a sunset on the ban after 10 years to take into account any changes in technology of security machines or firearms. The ban was extended in 1998 for an additional 5 years, and H.R. 3348 would extend this ban for an additional 10 years. The penalties will remain the same: any violation of the ban is punishable by a fine or imprisonment up to 5 years.

It is easy to see why this ban, now more than ever before, must be extended. This is not the time to put our Nation's airports in jeopardy by allowing individuals to pass through security with undetected firearms. Plastic firearms, which are real guns that can do real harm, can breach this security. We can prevent that by prohibiting the manufacture of plastic firearms in the first place, and that is what this bill does.

I would point out that both the National Rifle Association and the U.S. Department of Justice support this legislation. I would like to read into the RECORD a letter which I received 2 days ago from Chuck Cunningham, director of Federal affairs for the NRA:

Dear Chairman Sensenbrenner: On behalf of our 4 million members, I am writing to express our support for H.R. 3348, your legislation to extend the sunset of the restriction of undetectable firearms.

"It is very important to be absolutely clear about the history of this legislation. When originally passed in 1988, the Undetectable Firearms Act did not ban any existing firearm. The extension of this restriction would also not prohibit any firearm in production today. This legislation was and still is purely preventive. The sunset provision was included as a way to balance the possible future development of nonmetallic firearms against likely improvements in detection technology. The statute also allows the executive branch to reduce restrictions under the bill to adapt to those changes.

"Based on the current state of firearms and detection technology, we believe that a straight 10-year extension is an appropriate way to allow continued flexibility, while removing the issue beyond current political debates. Please let me know if we can be of assistance in the speedy passage of this legislation.

This is signed, "Charles H. Cunningham, Director of Federal Affairs" for the National Rifle Association.

I believe that this is commonsense legislation. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the chairman of the Committee on the Judiciary for his leadership on this issue. In the wake of the September 11 attacks, we need to do much more to prevent dangerous firearms from falling into the hands of would-be terrorists and other violent criminals.

We could start by renewing the current assault weapons ban. We could also strengthen criminal background checks and close the gun show loophole so that rogue gun dealers will not be able to evade the current spirit of the law and sell guns to criminals and suspected terrorists. Finally, we need to protect us from firearms that cannot be detected by metal detectors or x-ray machines.

The bill before us today achieves the last of these objectives. It renews the Undetectable Firearms Act of 1988, also known as the Plastic Gun Law, which makes it illegal to manufacture, import, possess, or transfer a firearm that is not detectable by walk-through metal detectors or airport x-ray machines.

Renewing the ban on plastic guns is vital. The gun industry clearly has the technology to manufacture firearms that cannot be detected by metal detectors or x-ray machines. As early as 1986, the Congressional Office of Technology Assessment determined that the "technology does exist to manufacture certain firearms which would be completely or almost completely non-metallic" and that "plastic handguns may be available on the commercial market quite soon."

Indeed, shortly thereafter, in 1986, an attempt was made by Libyan dictator Muammar Qaddafi to purchase more than 100 firearms produced in Austria and constructed almost entirely out of hardened plastic.

With the ongoing war on terrorism, it is even more important than ever that we take an aggressive stance against dangerous weapons that make our society vulnerable to future terrorist-related attacks. H.R. 3348 was introduced with this in mind; and while I would strongly prefer to make this bill permanent and not just an extension, I think the extension is an important step in the right direction, and I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3348, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1130

#### GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 2800, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Arizona?

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 2800, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

Mr. KOLBE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

#### MOTION TO INSTRUCT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mrs. LOWEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year 2004 be instructed to insist on the provisions of the Senate bill providing a total of \$1,726,000,000 to combat HIV/AIDS, tuberculosis and malaria.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII the gentleman from New York (Mrs. LOWEY) and the gentleman from Arizona (Mr. KOLBE) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct the conferees on the fiscal year 2004 foreign operations bill will ensure that the House is clearly on record to provide the highest possible funding level for HIV/AIDS, tuberculosis, and malaria in 2004.

With the \$700 million provided in the Labor HHS bill for these purposes, acceptance of these funding levels would bring the total amount provided for HIV/AIDS, TB, and malaria in 2004 to \$2.4 billion.

This motion urges the House conferees to approve the higher levels in the Senate-passed bill. While I had